



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

WRITTEN TESTIMONY OF
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BEFORE THE COMMITTEE ON LABOR AND PUBLIC
EMPLOYEES

Raised Bill No. 1049 An Act Concerning Collective Bargaining Of The Merit System

Under current statute – Sec. 5-272(d) the merit system is excluded from the mandatory subjects for collective bargaining. Precisely, the subsection states that the following activities are not subject to collective bargaining:

- Establishing, conducting and grading merit exams
- Rating candidates
- Establishing lists from the exams
- Appointments from such list(s).

Collective bargaining for State employees first became permissible in 1976; the first contracts were in place in 1977. From the onset, the merit system was an express non-mandatory subject of collective bargaining.

This exception from the collective bargaining process is for good reason. In viewing this condition for exclusion it is beneficial to acknowledge that the merit system applies to competitive positions; it does not apply to non-competitive positions. In making this acknowledgment it is likewise recognized that many of the collective bargaining agreements contain provisions for employee application and selection for non-competitive positions where there are vacancies. In those Agreements a significant consideration in selection is seniority or length of service.

Competitive positions by definition require comparing candidates by some objective standard; such things as education and experience must be weighed. A knowledge base must be evaluated, thus testing may be administered. The tests administered may be an actual exercise or

examination or it may be assessing training and experience. The express purpose in the competitive setting is to narrow the candidate pool to those individuals having skills, knowledge and requisite ability.

Generally speaking, hiring practices are not subject to the collective bargaining process. The obvious reason for the exclusion from collective bargaining is that the activity does not involve only employees; rather it involves applicants or candidates for employment. There are situations where job vacancies may be filled by existing employees who are seeking opportunities for advancement, change of location or occupational field. Currently this group of individuals (current employees) must compete with all other applicants on an equal basis. In short the merit system applies. Yes, they must pass the merit exam and become part of the pool of applicants from which the employer (the State) may select the candidate best fitted for the vacancy that is available.

This bill if enacted changes the ground rules. It not only provides Unions the right to negotiate over applicant selection, it allows Unions to negotiate over the standards of acceptance.

Unions have historically supported the principle of "seniority governs". The seniority rule provides job security in the event of lay offs and in shift and scheduling selection. Passage of the bill will expand this seniority principle to applicant acceptance for filling job vacancies. While experience and years of service are valued factors in assessing job applicants, there remains a logical and critical need for an objective measure of all qualifications. This objective measure is present in the merit system. Subjecting the merit system to collective bargaining will only result in a lowering of acceptable standards for obtaining a job status.